

FILED

SEP 19 2011

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

MAZALIC, MARY ELIZABETH

Defendant.

No. 11-1-02097-0

INFORMATION

Aliases:

Other co-defendants in this case:

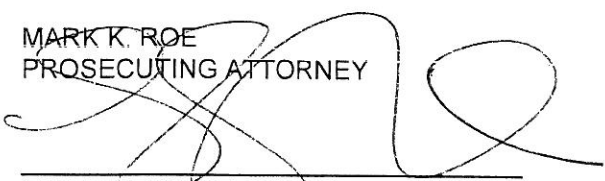
Comes now MARK K. ROE, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, his Information, in the name and by the authority of the State of Washington, charges and accuses the above-named defendant(s) with the following crime(s) committed in the State of Washington:

COUNT I: ASSAULT OF A CHILD IN THE FIRST DEGREE, committed as follows: That the defendant, on or about the 1st day of August, 2011 through the 15th day of August, 2011, then being a person of eighteen years age or older, did intentionally assault N.A. (DOB: 11/17/00), a child who at the time of the assault was under the age of thirteen years, and did cause substantial bodily harm, the defendant having previously engaged in a pattern or practice of either assaulting the child which had resulted in bodily harm that was greater than transient physical pain or minor temporary marks, or causing the child physical pain or agony that was equivalent to that produced by torture proscribed by RCW 9A.36.120, a felony; and the crime was aggravated by the following circumstance: the defendant's conduct during the commission of the crime manifested deliberate cruelty to the victim, as provided by RCW 9.94A.535(3)(a); and the crime was aggravated by the following circumstance: the defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the crime, as provided by RCW 9.94A.535(3)(n); and the crime was aggravated by the following circumstance: the defendant knew and should have known that the victim was particularly vulnerable and incapable of resistance, as provided by RCW 9.94A.535(3)(b).

Continued on page 2

COUNT II: CRIMINAL MISTREATMENT IN THE FIRST DEGREE, committed as follows: That the defendant, on or about the 7th day of September, 2010 through the 15th day of August, 2011, being at the time the person entrusted with the physical custody of N.A. (DOB: 11/17/00), a child or dependent person did recklessly cause great bodily harm to that child or dependent person, by withholding any of the basic necessities of life; proscribed by RCW 9A.42.020, a felony.

MARK K. ROE
PROSECUTING ATTORNEY


LISA D. PAUL, #16064
Deputy Prosecuting Attorney

DATED this 19th day of September, 2011 at the Snohomish County Prosecuting Attorney's Office.

Address: 4808 103RD PL SW MUKILTEO WA 98275
HT: 506 DOB: 02/26/1977 SID: WA
WT: 180 SEX: F FBI: 655107AB5
EYES: Brown RACE: White DOC:
HAIR: Brown DOL: MAZALME239C6 DOL STATE: WA
ORIGINATING AGENCY: MUKILTEO POLICE DEPARTMENT AGENCY CASE#: 1101493

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SUPERIOR COURT OF WASHINGTON
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THE STATE OF WASHINGTON,

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MAZALIC, MARY ELIZABETH

Defendant.

No. 11-1-02097-0

AFFIDAVIT OF PROBABLE CAUSE

Aliases:

Other co-defendants in this case:

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant in this cause, and that I believe probable cause exists for the arrest of the defendant on the charges because of the following facts and circumstances:

The following information is taken from police reports and witness statements submitted by the Mukilteo Police Department.

Between September 7, 2010 and August 15, 2011, the defendant Mary Elizabeth Mazalic (DOB 2/26/77) repeatedly and brutally beat, starved, burned, threatened, humiliated, and abused a 10-year-old girl N.A. (DOB 11/17/2000), causing a multitude of injuries, and potentially life-threatening conditions.

In 2008, N.A. was adopted in New York by Genevieve A. N.A. is developmentally delayed and may suffer from Fetal Alcohol Syndrome (FAS). Ms. A's son Derron lives in Mukilteo, and the defendant is his girlfriend. About a year ago Ms. A. and the defendant entered an arrangement whereby N.A. lived with the defendant and Derron in Mukilteo, Washington, and the defendant got money from Ms. A. for taking care of N.A. N.A. attended grade school during the 2010-2011 academic year. The school was not told that N.A. had completed the 4th grade in New York, so she was placed in the 4th

grade at the Mukilteo school. The school was not told that N.A. had been in special education at her previous school, but it soon became apparent that she needed special education, and she was placed in that program.

On August 15, 2011, the defendant went shopping for clothes prior to going on a cruise. She went to a store in Mukilteo to shop for a swimming suit, and took N.A. with her. Two women who worked at the store noticed that N.A. look emaciated, and was trembling. Her face was sunken, and she did not appear to have any muscle on her body. One clerk noticed that N.A. was shaking the entire time she was in the store, and that N.A. followed the defendant around "like a puppy." They noticed that N.A. had a fresh-looking gash on one of her wrists. The two clerks engaged the defendant in conversation, learning that she was going on a cruise, but that N.A. was not allowed to go. The defendant told the clerks that N.A. was a "bad kid". She belittled N.A. in front of the clerks. She said that N.A. was suspended from school for being a "Klepto" (a later check with the school determined that this was not true).

After the defendant left, one of the clerks called Child Protective Services to report her concerns. CPS and law enforcement began investigating, and took N.A. into protective custody. The next day the defendant called the store back, and angrily confronted one of the clerk witnesses about contacting CPS. As a result, this clerk has requested that her address not be released to the defendant, out of fear of retaliation.

When police went to the defendant's home on August 15th, she claimed that N.A. was well fed and treated well. The defendant and Derron A. both appeared well-fed, as did their dog, which appeared to officers to be significantly overweight. She claimed that she and Derron A. adopted N.A. in New York. The adoption papers do not corroborate this claim. When police first talked to N.A. at the defendant's home she also said she was fed and treated well in the home. Nonetheless, due to her condition, N.A. was taken into protective custody and transported to a hospital.

On August 16, 2011, police served a search warrant on the defendant's home. They noticed that N.A.'s bed had no sheets on it, only one blanket and some pillows. The room smelled heavily of urine. Police found a health form from the New York Department of Health for N.A. She had been seen March 3, 2010, and her weight was listed as 48.9 pounds. When she was taken from the defendant's home more than a year later, she weighed just two pounds more than that.

N.A. was admitted to the hospital, where she stayed almost two weeks. She gained roughly 13 pounds during that time. CPS reports that since being removed from the defendant's home, N.A. has gained approximately 20 pounds.

During the early portion of her stay, medical reports indicate that N.A. constantly sought food. Her appetite was described as "voracious". She remained focused on food her entire hospital stay. When told she could have anything she wanted, she said she really

wanted a "Big Mac". She said she had watched her mom (the defendant) eat them, but had not been allowed one herself. When told she could have a Big Mac, N.A. said "No, don't spend any money. If you do, please write my mom a note so I don't get in trouble." At one point a nurse gave N.A. some lotion to put on her skin and N.A. said "Please write down what you give me. My mom gets mad so I need you to write it down."

Nursing notes indicate that N.A. had a flat affect, expressed fear of the defendant, and was tremulous and weak. When asked about smoking in the household, she said she would rather not say. She was apprehensive talking about her home in Mukilteo, or her parental situation. N.A. told the nurse her back was sore, and walked in a hunched over position. Her lower back was swollen. She had multiple linear scars on her chest, dry, scaly skin, and lesions, ecchymosis and abrasions throughout her body, and ulcerations on her ankle, feet, and wrist.

During the first week after her rescue, N.A.'s abdomen became distended and swollen. She had increased liver enzymes, which may indicate liver damage or inflammation. Her re-feeding had to be scaled back to allow her condition to improve.

N.A. was diagnosed with pyelonephritis, an ascending urinary tract infection that had reached the kidney. At the hospital she received antibiotics to treat the condition. Dr. Villavicencio told police that if the infection went untreated it was possible the body could deal with it itself, but a very significant percentage of the time that is not the case. The infection can get into the body's blood stream and ultimately cause sepsis, which could lead to kidney failure and death. When asked about the risks of malnutrition, the doctor said if it continued, it could be death, and that in the short term it could lead to neurologic damage, kidney damage, and organ dysfunction.

N.A. had lesions on her wrist, and the tops of both her feet. Dr. Villavicencio told police that these lesions appeared consistent with cigarette burns. The lesions resolved over the first few days in the hospital.

N.A. had "whip cord" type injuries on her abdomen and chest, consistent with someone utilizing a looped cord to strike N.A. N.A.'s buttocks were white and scaly. Dr. Villavicencio told police this was consistent with sitting in urine. Police during the search of the defendant's home did find a package of diapers in the home.

Dr. Kenneth Feldman from Seattle Children's Hospital was consulted on this case. With regard to N.A.'s condition he opined:

It is clear that her fall off in weight growth to the point of being significantly malnourished is the result of food deprivation, not FAS. Her initial urine specific gravity and BUN also make it likely that she experienced water deprivation. At least some of her truncal lesions are specific for abusive beatings. Her eating

pattern and growth subsequent to hospitalization affirmed that even if she had fetal alcohol syndrome or affect, these are not the cause of her malnutrition, since, when she was provided with food she has rapidly gained weight.

Police contacted N.A.'s school and learned that, despite the defendant's claims, N.A. had never been suspended. School records for N.A. for the year 2010 showed that in the first trimester (there are roughly 60 days per trimester) she was absent 5 days, during the second trimester she was absent 12 days, and during the third trimester she was absent 19 days. N.A. got in trouble for stealing food from another student. School records show that the defendant wanted her to be suspended. When the school did not take that action, the defendant kept N.A. at home for her own "suspension". Emails the school had from the defendant showed that she asked that N.A. be placed on "escort status" and be watched so she would not be tempted to steal from other students' lunches.

After she was released from the hospital, N.A. was interviewed by a child interview specialist. She initially claimed that she had been well fed and cared for in the defendant's home. She said, however, that she had not been to see a doctor the entire time she had been in Washington. After the interview, the CPS worker Jen Brady was giving N.A. a ride to her foster home. Ms. Brady asked N.A. about her absences from school. N.A. said "I don't deserve to go to school." When Ms. Brady told N.A. that she could tell her anything, and would be there if she wanted to talk in the future, N.A. said "If I talk to you my brothers will be taken away and separated." Ms. Brady asked if someone had told her that and N.A. said "Yes".

N.A. was placed in a temporary foster home. She began to tell her foster mother some of what had happened when she lived in the defendant's home. N.A. disclosed that she had often been forced to go a couple of days without eating or only eating one meal. She said the defendant would sometimes put soap in her food. She said that the defendant beat her with an extension cord, a belt and a wire hanger. She said that sometimes the defendant would beat her, then take a break to rest up, and then resume the beating. N.A. told her foster mother that the defendant had held a knife to her throat on one occasion. She said the defendant made her sleep in a tent and in a bathtub. She said he back hurt from being beaten by the defendant. She said the beatings happened when Derron was at work.

N.A. wanted to talk to Ms. Brady as well, so the two talked again. N.A. said that the day she talked to the interview specialist she was too scared to tell her what happened. N.A. disclosed that the defendant had burned her on the bottom with a cigarette. N.A. did have a scar on her buttocks consistent with a healed cigarette burn. N.A. described that the defendant used an orange extension cord, a brown extension cord, a black belt, and a piece of wire about the thickness of a pencil which had "red things" on the end of it, to beat N.A. all over her body. N.A. said she had to take off her clothes when beaten, and that the beatings usually took place in the basement or garage. N.A. said the

defendant would put a squeeze ball or a sock in N.A.'s mouth to keep her from screaming. She said the marks on her side under her arm were from being beaten with an extension cord. She described the cord as being "looped" in the defendant's hand. She said that her most recent beating came the day before they went shopping for a swimming suit.

N.A. said the defendant put things on the whipping injuries to make them last longer, and told N.A. that she wanted the scars to show so that when she went to a "group home" the other kids would know how bad she was. N.A. said that sometimes the defendant would beat her until the defendant needed to take a break, then after a rest would start beating N.A. again. N.A. said she would bite, kick and punch the defendant during the beatings to try to prevent it.

N.A. disclosed that once the defendant tried to drown her in the bathtub by holding her head under water. She said that the defendant threatened to kill her and dump her body in a lake. She said the defendant held a knife to her throat and "slid it a little bit across", then put her in the bathroom and told her not to come out while the defendant took a nap. N.A. said she was made to take cold showers and sleep in the bathtub in the basement regularly. She said that about ten times she had to sleep in a tent in the backyard and sometimes she was not given any blankets or pillows to sleep with, and the doors to the house would be locked.

N.A. said that she was made to wear diapers. She said this happened because she had peed on the carpet and the defendant had to replace it. (When police searched the defendant's home they found a letter which appeared to be from the defendant to N.A.'s adoptive mom. The letter describes how N.A. peed on the carpet, and the defendant needed to replace it, and requested money from the adopted mom). N.A. said one time the defendant made her wear a soiled diaper on her head and took a picture of N.A. to humiliate her.

N.A. said she would often go an entire day without food. If she told the defendant she was hungry the defendant would say "Too bad" and would eat in front of her. N.A. said she would get to eat dinner if company came over. Other times she would be fed only nuts while the defendant and Derron ate full meals in front of her. She said that sometimes the defendant would give her food but would put soap in it and make N.A. eat it. She said she would have to eat "jail food", which was oatmeal. If she lied about something the defendant made her gargle and swallow full mouths of dish soap and shampoo. N.A. said that the defendant would listen to her phone calls to Genevieve in New York so that N.A. would not report what was happening to her in the defendant's home.

N.A. disclosed that the defendant used to talk about "oxy something" all the time. She said it was a really long word. She said the defendant and her friends went to buy

"dope" and it was "that oxy stuff". When asked how N.A. knew this, she said that they took her with them. She said that the defendant acted "crazy" when she took it. The defendant utilized a particular email address for communicating with N.A.'s school. Police Googled the email address and found postings from that email on a Topix site dedicated to Oxycontin, Roxicodone and Oxycodone. In one post the person stated that she had a bad epidural during childbirth and needed pain pills: "I am looking for one good person to keep me pain free. No insurance to go find a doc that will give me a script. Messed up from a bad epidural during childbirth. Prefer PERC 30s will settle with OXY's if I have to. Not a junkie don't smoke em or snort em. Will take OP's even. Find me at damit2allhell on AOL. Currently getting OXY's from India and shipping is too much of a hassle. Takes too long and when US Customs seizes it takes forever to get a reship. ONE CUSTOMER LOOKING FOR ONE SELLER. I HAVE FREE FLIGHT BENEFITS AND WILL TRAVEL TO GET THEM SO LONG AS U MEET ME AT THE AIRPORT SO I DON'T HAVE TO RENT A CAR OR FIND MY WAY AROUND UNFAMILIAR TERRITORIES!" (All capitals in original).

The defendant has made many claims about N.A. which the police have determined are false, such as her claims that she is N.A.'s adoptive mother; that she is the foster mother for N.A.'s two younger siblings; that N.A. had been caught stealing at school more than once and almost got kicked out; that she had actually been kicked out of school for stealing; and that there was an incident with a little boy at the school and she was called to a district meeting for "a very strict warning" that N.A. was about to be kicked out of the district.

After the police searched her home, the defendant told a neighbor that she had suffered a seizure and a stroke and had to walk with a walker. This neighbor saw the defendant a few days later at the store, and the defendant was not walking with a walker, and looked fine.

CPS reports from 2008 detail another child who had lived in the defendant's home, and who ran away. This boy ended up in Denney Juvenile Justice Center. He told CPS workers that he wanted to stay in custody rather than return to the defendant's home. He reported abuse at the hands of the defendant and her boyfriend. He said that he was made to eat only oatmeal. The defendant met with the CPS worker and admitted that she had made the boy sleep in a tent in the backyard for a week, and fed him "jail food", which included oatmeal.

An At Risk Youth petition was instituted on the boy. The family's therapist wrote: "It is clear that [the boy] is constantly put in a double bind situation. Mary, a (sic) borderline and mentally unstable, is a chronic liar and will lie and manipulate everything to suit her and her story for the day." The therapist stated that the defendant wanted complete control of the house even if it was to the detriment of the boy.

The boy's probation officer echoed the therapist's concerns. The CPS worker characterized the defendant's home as a "very toxic environment." The recommendation was that the boy not be placed back in the home. The boy was recently contacted by CPS and reiterated the mistreatment he suffered in the defendant's home. Shortly afterwards, the defendant's attorney in the currently-pending dependency action produced a retraction letter from the boy.

The defendant is currently in the Snohomish County Jail. Bail was set in District Court at \$500,000, and the defense argued for release at that time. The State asks that bail be maintained, and that the defendant be prohibited from having contact with N.A., or any other minor pending the outcome of this case.

The defendant is facing a minimum of 102-136 months in prison as a standard range, as well as any additional time which may be imposed if the charged aggravating circumstances are found. Her boyfriend works for an airline, and it appears she has liberal flight privileges. After a visit to N.A. in the hospital by Ms. A. and Darren, N.A. told Ms. Brady that someone had told her that if she talked, her brothers would be taken away and separated. The defendant has already called one witness to confront her about reporting the matter to CPS. CPS reports indicate instability on the defendant's part, and it appears she fabricates stories. To the State's knowledge the defendant is not employed.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

MARK K. ROE
Prosecuting Attorney

LISA D. PAUL, #16064
Deputy Prosecuting Attorney

DATED this 19th day of September, 2011 at the Snohomish County Prosecuting Attorney's Office.